

(April 5, 2004)
Section 1-02 is supplemented with the following:

Protest Procedures

Form and Substance

All protests regarding any contents or portion of the bid proposal must be submitted to the Contracting Agency as soon as possible after the protestant becomes aware of the reason(s) for the protest. All protests must be in writing and signed by the protestant or an authorized agent. Such writing must state all facts and arguments on which the protestant is relying as the basis for its action. Such protestant shall also attach, or supply on demand by the Contracting Agency, any relevant exhibits referenced in the writing. Copies of all protests and exhibits shall be mailed or delivered by the protestant to the bidder against whom the protest is made (if any) at the same time such protest and exhibits are submitted to the Contracting Agency. All protests shall be directed to:

Washington State Department of Transportation
Attn.: Manager, Contract Ad & Award
PO Box 47360
Olympia , Washington 98504-7360
Phone: (360) 705-7017
Fax: (360) 705-6810

Pre-award Protests

To allow sufficient response time, all pre-award protests must be received by the contracting agency no later than 5:00 p.m. of the second business day after the bid opening date. If the protest is mailed after the bid opening date and before the pre-award protest deadline, the protestant shall immediately notify WSDOT's Manager, Contract Ad & Award by telephone, or some other means of rapid communication, that a protest has been made.

The Contracting Agency shall consider all the facts available to it, and issue a decision in writing within five (5) business days after receipt of the protest, unless, in the Contracting Agency's sole discretion, more time is needed. The protestant and the bidder(s) against whom the protest is made will be notified if additional time is necessary; and if the additional time required affects the bid opening date or the award date, all bidders shall be notified.

The Contracting Agency's decision shall be final and conclusive. Selection of the successful bidder, if one is to be made, will be postponed until after the Contracting Agency has issued its decision. The Contracting Agency shall provide the protestant with written notice of this decision no later than two full working days prior to execution of the contract.

Post-award Protests

The Contracting Agency shall immediately notify all unsuccessful bidders of the Contracting Agency's award decision. Any decision made by the Contracting Agency regarding the award and execution of the contract or bid rejection shall be conclusive subject to the scope of the judicial review permitted under Washington Law. Such review, if any, shall be timely filed in the Superior Court of Thurston County, Washington.

1 Protests which do not comply with the above-specified procedures will not be
2 considered.